

**TOWN OF NAPLES
AGENDA
BOARD OF APPEALS
Tuesday, May 31st, 2011 at 7:00 pm
Municipal Offices Building**

John Flaherty called the meeting to order. Also present were Marcia Stewart, Jake Roush, Russell Lashua, Michelle Granfield, Barry Freedman and Barbara McDonough.

The first order of business was to review and approve the minutes from October 26th, 2011.

The next order of business was an Application for a 10 foot Lot Setback Reduction on the west side for property located at 47 Liberty Road and shown on Naples Tax Map U43, Lot 45 submitted by Paul & Bernadette Flood. The applicant was present. The Board members did conduct a site walk.

Abutters Steve Keefe and Jackie Sovas were present. Jackie was concerned the new 24 x 24 garage would block her view, thereby depreciating the value of her property. Steve's concern was the Floods were previously granted a Lot Setback Reduction for a structure and ended up installing a driveway that was on Steve's land. The case went to court and the judge ruled indeed the Flood's did encroach on Steve's land. He urged the board to not grant the setback because in his past dealings with the Floods. The Board told him they are not here to discuss civil matters nor his past dealings with the Floods. Bernadette stated the reason they need a new garage is because they are having a septic system installed where the current garage is located. This brought up the question of how many garages were allowed on a property. After consulting with the Code Officer, Boni Rickett it was determined there is no limit to the amount of garages allowed on a property unless the setback reduction granted is for a garage, then only one garage is allowed on the property. Bernadette stated the present garage would be converted to a shed; therefore there would be one shed and one garage on the property. Steve Keefe was adamant that the Floods would not convert the current garage to a shed and questioned what actually is the criterion for a shed verse a garage. The board did not address his concern.

Also present were abutters from Songo Beach Association who had no issues with the lot setback being granted.

It was brought up that a new septic would have to meet the State requirements and setbacks as outlined by the state. The applicant presented the board with a copy of her septic application. It was made clear she would have to pull a permit through the code offices at the Town of Naples to have the septic installed.

Barry Freedman made a motion to table the application until the code office could provide clarification on the shed/garage issue and the distance of the septic to wells and other systems. There was no second on the motion. Barry withdrew his motion.

Jake made a motion to approve the application and grant a 10 foot lot setback reduction on the west side of the property to build a 24 x 24 garage. John seconded the motion. The motion passed.

A motion was made to adjourn the meeting.

Respectfully Submitted,

Barbara McDonough
Secretary

1. Other Business as Appropriate.
2. Adjourn Meeting.